

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH GRIMES, D72759,)
Plaintiff(s),) No. C 17-0043 CRB (PR)
vs.) ORDER OF DISMISSAL
NURSE BROOKS,)
Defendant(s).)

Plaintiff, a state prisoner currently incarcerated at the California Medical Facility (CMF), filed a pro se civil rights action under 42 U.S.C. § 1983 alleging that, while he was incarcerated at Salinas Valley State Prison (SVSP), Nurse Brooks delayed and/or interfered with his medical care.

On April 11, 2017, the court (Lloyd, M.J.) found that, liberally construed, plaintiff's allegations appeared to state a cognizable § 1983 claim for violation of the Eighth Amendment against Brooks, and issued an order of service. But on May 5, 2017, SVSP's litigation coordinator returned the service documents with a letter indicating that Nurse Brooks never worked at SVSP.

On May 6, 2017, the court (Lloyd, M.J.) directed plaintiff to file a notice providing the court with current and accurate location information for Defendant Brooks such that the United States Marshal is able to effect service within twenty-eight (28) days, or face dismissal of his complaint without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiff instead

1 filed a motion requesting an extension of time to provide the court the requested
2 information to allow him time to review his medical records to obtain the
3 necessary information.

4 On June 13, 2017, the court (Lloyd, M.J.) granted plaintiff an extension of
5 time until July 13, 2017 to provide the court with current and accurate location
6 information for Defendant Brooks such that the Marshal is able to effect service,
7 or face dismissal without prejudice pursuant to Rule 4(m). Plaintiff instead filed
8 a motion for a second extension of time until August 11, 2017.

9 On July 14, 2017, this action was reassigned to the undersigned and, on
10 July 26, 2017, the court granted plaintiff a second extension of time until August
11 11, 2017 to provide the court with current and accurate location information for
12 Defendant Brooks such that the Marshal is able to effect service, or face
13 dismissal of this action without prejudice pursuant to Rule 4(m).

14 But more than a week has passed since plaintiff's August 11, 2017
15 deadline expired and he still has not provided the court with any location
16 information for Defendant Brooks. This action accordingly is DISMISSED
17 without prejudice pursuant to Rule 4(m).

18 The clerk is instructed to terminate all motions as moot and close the file.
19 SO ORDERED.

20 DATED: August 22, 2017



CHARLES R. BREYER
United States District Judge